

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office..... JAN 17 1991

Returned to applicant for correction.....

Corrected application filed.....

Map filed..... MAR 08 1991

The applicant..... Chemstar, Inc.

2800 North 44th Street, Suite 400, of..... Phoenix
Street and No. or P.O. Box No. City or Town

Arizona 85008, hereby make S. application for permission to appropriate the public
State and Zip Code No.

waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.).....

1. The source of the proposed appropriation is..... underground.
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is..... 1.0.....second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet.....

3. The water to be used for..... mining, milling and domestic (incl. road construction & maintenance)
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated.....

(b) Stockwater, state number and kinds of animals to be watered.....

(c) Other use (describe fully under "No. 12. Remarks").....

(d) Power:

(1) Horsepower developed.....

(2) Point of return of water to stream.....

5. The water is to be diverted from its source at the following point..... w/in SE ¼ SW ¼ Section 31, Township
Describe as being within a 40-acre subdivision of public

33N, Range 37E, MDB&M from which the well location bears N26°33'20" E a distance
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.

of 3400 ft. from the west ¼ corner of Section 6, Township 32 North, Range 37E
(MDB&M)

6. Place of use..... within Section 6 Township 32N, Range 37E; Sections 31, 32,
Describe by legal subdivision. If on unsurveyed land, it should be so stated.

33, 34, 35, 36 Township 33N, Range 36E, M.D.B.&M. Section 1 township 32N

Range 36E Section 31 Township 33N., Range 37E. M.D.B.&M.

7. Use will begin about..... January 1.....and end about..... December 31....., of each year.
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.)..... Drilled and cased well distribution
State manner in which water is to be diverted, i.e. diversion structure, ditches and
system and reclamation system.
flumes, drilled well with pump and motor, etc.

9. Estimated cost of works..... \$150,000

Two (2) years

10. Estimated time required to construct works.....

If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use..... Five (5) years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Water will be used for limestone mining and processing at a new mine and
 facility in Pershing County. Annual use from all sources at this location
 will not exceed 724 acre-feet per year.

By s/Timothy M. Dyhr

Timothy M. Dyhr

5400 Equity Ave.

Reno, NV 89502

Compared..... bc/bc ap/se

Protested.....

APPROVAL

OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 55641 through 55650, inclusive, shall not exceed 5.782 million gallons annually.

(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to

exceed..... 1.0 cubic feet per second, but not to exceed 5.782
 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before..... October 5, 1994

Proof of completion of work shall be filed on or before..... November 5, 1994

Application of water to beneficial use shall be made on or before..... October 5, 1997

Proof of the application of water to beneficial use shall be filed on or before..... November 5, 1997

Map in support of proof of beneficial use shall be filed on or before..... N/A

Completion of work filed.....

IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, P.E.

State Engineer of Nevada, have hereunto set my hand and the seal of my

Proof of beneficial use filed.....

office, this 5th day of October

Cultural map filed.....

A.D. 19 92

Certificate No..... Issued.....

R. Michael Turnipseed
 State Engineer

(0)-5314 (Rev.)

CANCELLED JAN 12 1995 BECAUSE OF FAILURE
 OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT
R. Michael Turnipseed P.E.
 STATE ENGINEER

(PERMIT TERMS CONTINUED)

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount of water pumped from the well and the amount of water used.